

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JACQUELINE KENDALL,

Plaintiff,

Case No. 10-11088

v.

HOWARD SHOCK, *et al.*,

Hon. John Corbett O'Meara

Defendants.

**ORDER OF PARTIAL DISMISSAL**

On March 17, 2010, Plaintiff Jacqueline Kendall filed a complaint alleging four counts:

Count I, violations of the Fourth, Fifth, Eighth, and Fourteenth Amendments to the United States Constitution; Count II, assault; Count III, gross negligence; and Count IV, false arrest/imprisonment. Although alleged constitutional violations brought pursuant to 42 U.S.C. § 1983 are cognizable in this court pursuant to 28 U.S.C. § 1331, the remaining allegations present claims based on state law. Because the parties to this matter are not diverse, this court declines to exercise supplemental jurisdiction over the latter claims so as to avoid jury confusion. See 28 U.S.C. § 1337(c); United Mine Workers v. Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Therefore, IT IS HEREBY ORDERED that Plaintiff's state law claims are DISMISSED.

s/John Corbett O'Meara  
United States District Judge

Date: March 25, 2010

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 25, 2010, using the ECF system and/or ordinary mail.

s/William Barkholz  
Case Manager